## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS SAN ANTONIO DIVISION

JOE HAND PROMOTIONS, INC., As Broadcast Licensee of the December 27, 2008 UFC 92: "The Ultimate 2008" Event, Plaintiff,  V.  1) 8971 INC., Individually and d/b/a HOOKS BILLIARDS; 2) MICHAEL SMITH, Individually and d/b/a HOOKS BILLIARDS; and	<i>~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~</i>	CIVIL ACTION NO. 5:11-CV-778-XR
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## DEFENDANTS' 8971 INC. AND ERIC JEWELL'S EMEGENCY APPEARANCE OF COUNSEL AND ADVISORY TO THE COURT

COMES NOW Defendants 8971 Inc. and Eric Jewell and hereby submit their emergency Appearance of Counsel and Advisory to the Court and respectfully show the Court as follows:

1. Defendants 8971 Inc. and Eric Jewell have this day, August, 27, 2011, in the evening, hired counsel as follows:

Glenn D. Levy State Bar No. 12264925 906 Basse, Suite 100 San Antonio, Texas 78212 Telephone: (210) 822-5666

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2. It appears from the Record that a Motion for Entry of Default Judgment Was recently

served upon Defendants 8971 Inc. and Eric Jewell on August 24<sup>th</sup> and recently filed.

3. Accordingly, Defendants' counsel for Defendants 8971 Inc. and Eric Jewell request that

due to the serious nature of the pending motion and the response date being unknown, that the

Court refrain from ruling and give Defendants 8971 Inc. and Eric Jewell time to file a motion for

Leave to extend time to file a response to give new counsel an opportunity to review the entire

record and investigate the matter further and provide a clear response to the Court. It is

anticipated that a Motion for Leave to extend time to respond to the Motion for default Judgment

will be filed no later than on August 29<sup>th</sup> 2012.

4. The Any small delay in ruling n this matter will not serve to harm Plaintiffs and can only

prejudice and harm Defendants. Defendants' counsel needs an opportunity to confer with

opposing counsel about whether they oppose the motion for leave and also needs time to fully

review the matter. Following the Motion for Leave, Defendants would file a full response to the

Motion for Entry of Default Judgment.

Respectfully submitted,

By: /s/

Glenn D. Levy

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ATTORNEY FOR DEFENDANTS

8971 INC. AND ERIC JEWELL

## **CERTIFICATE OF SERVICE**

I hereby certify that, pursuant to the Federal Rules of Civil Procedure, a copy of the Defendants' Emergency Appearance of Counsel through the Electronic Case Filing System for the Western District of Texas.

David M. Diaz State Bar No. 24012528 Attorney In Charge Andrew R. Korn State Bar No. 11683150 Korn, Bowdich & Diaz, L.L.P. 4221 Avondale Avenue Dallas, Texas 75219 T: 214-521-8800 F: 214-521-8821

ATTORNEYS FOR PLAINTIFF